

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Application of
Northern States Power Company d/b/a
Xcel Energy for a Certification of Need to
Establish an Independent Spent Fuel
Storage Installation at the Monticello
Generating Plant

**THIRD
PREHEARING ORDER**

This matter came on for telephone conference before Administrative Law Judge Steve M. Mihalchick on August 30, 2005, at 9:30 a.m. to address the request by the Minnesota Department of Commerce (Department) for modification of the schedule in this matter.

Andrew Brown, Attorney at Law, Dorsey & Whitney, LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402 and James Alders, 414 Nicollet Mall, Suite 500, Minneapolis, MN 55401-1993 appeared on behalf of Northern States Power Company d/b/a Xcel Energy (Xcel).

Marya White, Public Utilities Regulation Manager for the Department and Linda Jensen, Assistant Attorney General, 445 Minnesota Street, Suite 1400, Saint Paul, MN 55101, appeared on behalf of the Department.

George Crocker, Executive Director of the North American Water Office (NAWO), P.O. Box 174, Lake Elmo, MN 55042, appeared on behalf of NAWO.

Elizabeth Goodpaster, Staff Attorney of the Minnesota Center for Environmental Advocacy, 26 East Exchange Street, Suite 206, Saint Paul, MN 55101, appeared on behalf of Minnesotans for an Energy Efficient Economy (ME3).

David Jacobson, Utilities Analyst, appeared on behalf of the Public Utilities Commission ("Commission") staff.

Based on the discussions during the prehearing conference, and all of the files and proceedings, the Administrative Law Judge makes the following:

ORDER

1. The parties that participated in the telephone conference agreed with the Department's request that the schedule in this matter be modified.

SCHEDULE

2. The schedule in this proceeding, as modified, is as follows:

Xcel and Department Direct Testimony (and EIS)	November 18, 2005
All Other Parties' Direct Testimony	December 16, 2005
Discovery Request Deadline	January 13, 2006
Rebuttal Testimony (all parties)	January 27, 2006
Public Hearings (Monticello 1 and 7 p.m.)	February 2, 2006 (and February 3, if needed)
Public Hearings (Twin Cities Metro-area 1 and 7 p.m.)	February 16, 2006
Evidentiary Hearings	February 21-24, 2006 (with any additional dates to be determined)
Public Written Comment Deadline	March 3, 2006
Initial Briefs	(Date to be announced at conclusion of hearing)
Reply Briefs and Proposed Findings	(Date to be announced at conclusion of hearing)

3. Xcel will arrange the locations for the public hearings in Monticello and the Twin Cities Metro-area. The notice of the Monticello public hearing will reference only February 2, 2006 at 1:00 p.m. and 7:00 p.m. The following day will be reserved for presentations that cannot be accommodated on February 2. If all the persons present seeking to comment on this matter are heard on February 2, the public hearing in Monticello will be concluded and the hearing will not be reconvened on February 3. The locations for the public hearings will be determined in advance of the hearing and noticed accordingly. The public hearings shall consist of an afternoon session and an evening session. Commission staff will work with Xcel, the parties, and the Office of Administrative Hearings to determine exact locations for the public hearings and draft the necessary notices.

This Order is effective immediately. Any modification to this Order will be made by the Administrative Law Judge, for cause.

Dated this 30th day of August, 2005.

s/Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge